

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NICOLAS GOUREAU and STEPHANIE :
MENKIN, individually and derivatively on :
behalf of GOOBERRY CORP., a New York :
corporation, :

Plaintiffs, :

v. :

MARCUS LEMONIS, an individual, ML :
RETAIL, LLC, a Delaware limited liability :
company, and MARCUS LEMONIS, LLC, a :
Delaware limited liability company, :

Defendants, :

and :

GOOBERRY CORP., a New York corporation, :

Nominal Defendant.

Civil Action No. 1:20-cv-04691

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs Nicolas Goureau and Stephanie Menkin, individually and derivatively on behalf of Gooberry Corporation, hereby appeal to the United States Court of Appeals for the Second Circuit from the Judgment entered on November 22, 2021 (Dkt. No. 99) and the Order Denying Motion to Alter/Amend Judgment or Relief from Judgement (Dkt. No. 105) entered on December 14, 2021, as well as from the Order Granting in Part Motion to Dismiss (Dkt. No. 77), the Order Granting in Part and Denying in Part Motion for Reconsideration (Dkt. No. 89), and the Order Closing the Case (Dkt. No. 98).

Dated: January 10, 2022

GERARD FOX LAW P.C.

/s/ Gerard P. Fox

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